

2013 DRAFTING REQUEST

Bill

Received:	8/28/2013	Received By:	gmalaise
Wanted:	9/3/2013 4:00:00 PM	Same as LRB:	
For:	Rob Hutton (608) 267-9836	By/Representing:	Phillip Pratt
May Contact:		Drafter:	gmalaise
Subject:	Employ Priv - prevailing wage	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Hutton@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from prevailing wage law

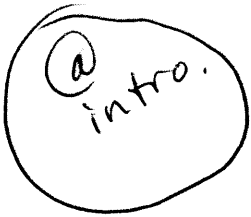
Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 8/29/2013	scalvin 9/9/2013	jfrantze 9/9/2013	_____			
/P1	gmalaise 9/11/2013			_____	lparisi 9/9/2013		State S&L
/P2	gmalaise 9/25/2013	kfollett 9/23/2013	jmurphy 9/23/2013	_____	srose 9/23/2013		State S&L
/P3	gmalaise	csicilia	jfrantze	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/1/2013	9/27/2013	9/27/2013	_____	9/27/2013		S&L
/1		kfollett	jmurphy	_____	srose	sbasford	State
		10/1/2013	10/1/2013	_____	10/1/2013	10/2/2013	S&L

FE Sent For:

<END>



2013 DRAFTING REQUEST**Bill**

Received: **8/28/2013** Received By: **gmalaise**
 Wanted: **9/3/2013 4:00:00 PM** Same as LRB:
 For: **Rob Hutton (608) 267-9836** By/Representing: **Phillip Pratt**
 May Contact: Drafter: **gmalaise**
 Subject: **Employ Priv - prevailing wage** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Hutton@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from prevailing wage law

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 8/29/2013	scalvin 9/9/2013	jfrantze 9/9/2013	_____	_____		
/P1	gmalaise 9/11/2013			_____	lparisi 9/9/2013		State S&L
/P2	gmalaise 9/25/2013	kfollett 9/23/2013	jmurphy 9/23/2013	_____	srose 9/23/2013		State S&L
/P3	gmalaise	csicilia	jfrantze	_____	srose		State

Jacket per
GMM

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/1/2013	9/27/2013	9/27/2013	_____	9/27/2013		S&L
/1		kfollett 10/1/2013	jmurphy 10/1/2013	_____ _____	srose 10/1/2013		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 8/28/2013 Received By: gmalaise
 Wanted: 9/3/2013 4:00:00 PM Same as LRB:
 For: Rob Hutton (608) 267-9836 By/Representing: Phillip Pratt
 May Contact: Drafter: gmalaise
 Subject: Employ Priv - prevailing wage Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Hutton@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from prevailing wage law

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise 8/29/2013	scalvin 9/9/2013	jfrantze 9/9/2013	_____			
/P1	gmalaise 9/11/2013			_____	lparisi 9/9/2013		State S&L
/P2	gmalaise 9/25/2013	kfollett 9/23/2013	jmurphy 9/23/2013	_____	srose 9/23/2013		State S&L
/P3		csicilia	jfrantze	_____	srose		State

11/5/13 f
 10/1/13 gm
 self

Vers. Drafted

Reviewed
9/27/2013

Typed
9/27/2013

Proofed

Submitted
9/27/2013

Jacketed

Required
S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **8/28/2013** Received By: **gmalaise**
 Wanted: **9/3/2013 4:00:00 PM** Same as LRB:
 For: **Rob Hutton (608) 267-9836** By/Representing: **Phillip Pratt**
 May Contact: Drafter: **gmalaise**
 Subject: **Employ Priv - prevailing wage** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Hutton@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from prevailing wage law

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 8/29/2013	scalvin 9/9/2013	jfrantze 9/9/2013	_____			
/P1	gmalaise 9/11/2013			_____	lparisi 9/9/2013		State S&L
/P2		kfollett 9/23/2013	jmurphy 9/23/2013	_____	srose 9/23/2013		State S&L

FE Sent For:

/P3 gjs
9/26
13

269/27
<END>

2013 DRAFTING REQUEST

Bill

Received: 8/28/2013 Received By: gmalaise
Wanted: 9/3/2013 4:00:00 PM Same as LRB:
For: Rob Hutton (608) 267-9836 By/Representing: Phillip Pratt
May Contact: Drafter: gmalaise
Subject: Employ Priv - prevailing wage Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Hutton@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from prevailing wage law

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 8/29/2013	scalvin 9/9/2013	jfrantze 9/9/2013	_____			
/P1		/P2 sac/kgf 9/23	Jm 9/23	_____	lparisi 9/9/2013		State S&L
FE Sent For:			Jm+Jb 9/23				

<END>

2013 DRAFTING REQUEST

Bill

Received: **8/28/2013** Received By: **gmalaise**
 Wanted: **9/3/2013 4:00:00 PM** Same as LRB:
 For: **Rob Hutton (608) 267-9836** By/Representing: **Phillip Pratt**
 May Contact: Drafter: **gmalaise**
 Subject: **Employ Priv - prevailing wage** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Hutton@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given


Topic:

Prevailing wage; exemption of school districts

Instructions:

See attached--exempt school districts from ^{OK}prevailing wage law

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise	/Pl sac 09/09/2013		<u>9/9</u>			

FE Sent For:

<END>

Malaise, Gordon

From: Pratt, Phillip
Sent: Tuesday, August 27, 2013 2:12 PM
To: Malaise, Gordon
Subject: Bill Draft Request

Gordon,

Below is the language from Ohio's statutes regarding the exclusion and mandate that school districts cannot apply prevailing wage rates. Rob would like the phrasing of it to be that school districts (whoever approves their budgets/construction/maintenance projects) have the option to opt out of using prevailing wage rates.

Also, we are looking at a shorter timeline with this and are hoping to have a preliminary draft by early next week to present to other legislators if that is possible.

Thanks for all of your help.

4115.04 Determination of prevailing wage - exceptions.

(A)

(1) Every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking such construction with its own forces, shall have the director of commerce determine the prevailing rates of wages of mechanics and laborers in accordance with section 4115.05 of the Revised Code for the class of work called for by the public improvement, in the locality where the work is to be performed. Except as provided in division (A)(2) of this section, that schedule of wages shall be attached to and made part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank shall be filed with the director before the contract is awarded. A minimum rate of wages for common laborers, on work coming under the jurisdiction of the department of transportation, shall be fixed in each county of the state by the department of transportation, in accordance with section 4115.05 of the Revised Code.

(2) In the case of contracts that are administered by the department of natural resources, the director of natural resources or the director's designee shall include language in the contracts requiring wage rate determinations and updates to be obtained directly from the department of commerce through electronic or other means as appropriate. Contracts that include this requirement are exempt from the requirements established in division (A)(1) of this section that involve attaching the schedule of wages to the specifications for the work, making the schedule part of those specifications, and printing the schedule on the bidding blanks where the work is done by contract.

(B) Sections 4115.03 to 4115.16 of the Revised Code do not apply to:

(1) Public improvements in any case where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided that the federal government or any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvements;

(2) A participant in a work activity, developmental activity, or an alternative work activity under sections 5107.40 to 5107.69 of the Revised Code when a public authority directly uses the labor of the participant to construct a public improvement if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;

(3) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center;

(4) Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code if none of the funds used in constructing the improvements are the proceeds of bonds or other obligations that are secured by the full faith and credit of the state, a county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the state, a board of county commissioners, a township, or a municipal corporation from funds generated by the levy of a tax, provided that a county hospital or municipal hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the hospital;

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) of section 176.05 of the Revised Code;

(6) Public improvements undertaken by, or under contract for, a port authority as defined in section 4582.01 or 4582.21 of the Revised Code;

(7) Any portion of a public improvement undertaken and completed solely with labor donated by the individuals performing the labor, by a labor organization and its members, or by a contractor or subcontractor that donates all labor and materials for that portion of the public improvement project.

(C) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B)(3) of this section.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 07-01-2000; 04-27-2005; 2006 HB699 03-29-2007; 04-06-2007

Phillip Pratt
Legislative Assistant
Office of State Representative Rob Hutton
13th Assembly District
State Capitol, Room 3 North
(608) 267-9837





State of Wisconsin
2013 - 2014 LEGISLATURE

IN 8/29



LRB-30247

GMM.....

PI
J SK

gen cat

- 1 AN ACT **relating to:** exempting from the prevailing wage law public works
2 projects erected, constructed, repaired, remodeled, or demolished for a school
3 district or for a cooperative educational service agency.

Analysis by the Legislative Reference Bureau

Under current law, laborers, workers, mechanics, and truck drivers employed on the site of certain state or local projects of public works (generally single-trade projects whose estimated cost of completion is \$48,000 or more and multiple-trade projects whose estimated cost of completion is \$100,000 or more) must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 66.0903 (5) (h) of the statutes is created to read:

66.0903 (5) (h) A project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency.

SECTION 2. Initial applicability.

(1) **EXEMPTION FROM PREVAILING WAGE LAW.** This act first applies, with respect to a project of public works that is subject to bidding, to a project for which the request for bids is issued on the effective date of this subsection and, with respect to a project of public works that is not subject to bidding, to a project the contract for which is entered into on the effective date of this subsection.

(END)

Malaise, Gordon

From: Malaise, Gordon
Sent: Wednesday, September 11, 2013 2:21 PM
To: Kelley, Margit
Subject: RE: LRB13-3024 Relating to Exempting School District projects from the Prevailing Wage Law

Margit:

Maybe lift the broad language about contractors out of subd. 3. And make it the new subd. 2. Then subd. 3. would be the catchall for school districts.

Gordon

From: Kelley, Margit
Sent: Wednesday, September 11, 2013 12:50 PM
To: Malaise, Gordon
Subject: RE: LRB13-3024 Relating to Exempting School District projects from the Prevailing Wage Law

Hi Gordon,

Just wondering, is subd. 2 necessary, since subd. 3 can require compliance with the section? That would seem to cover compliance with sub. (10).

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Malaise, Gordon
Sent: Wednesday, September 11, 2013 11:55 AM
To: Kelley, Margit
Subject: LRB13-3024 Relating to Exempting School District projects from the Prevailing Wage Law

Margit:

I cannot make it to the meeting this afternoon, but I can pass along my input.

I would draft the concept of permitting schools districts to opt in to the prevailing wage law by adding language modeled along the lines of s. 229.8275. Specifically, I would add at the end of page, 2, line 4, the following:

"... except that this paragraph does not preclude a school district or a cooperative educational service agency from doing all of the following:

1. Prohibiting any employee working on such a project of public works who would be entitled to receive the prevailing wage rate under this section and who would not be required or permitted to work more than the

prevailing hours of labor, if the project of public works were subject to this section, from being paid less than the prevailing wage rate or from being required or permitted to work more than the prevailing hours labor, except as permitted under sub. (4) (a).

2. Requiring any contractor, subcontractor, or agent thereof performing work on such a project of public works to keep and permit inspection of records in the same manner as a contractor, subcontractor, or agent thereof performing work on a project of public works that is subject to this section is required to keep and permit inspection of records under sub. (10).
3. Otherwise complying with this section in the same manner as any other local governmental unit contracting for the erection, construction, remodeling, repairing, or demolition of a project of public works is required to comply with this section and otherwise requiring any contractor, subcontractor, or agent thereof performing work on such a project of public works to comply with this section in the same manner as a contractor, subcontractor, or agent thereof performing work on a project of public works that is subject to this section is required to comply with this section.”.

Gordon

9/11/13

Mergit

Also require notice of resolution for borrowing
to indicate that amount proposed to be borrowed
is based on application of the prevailing wage law



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 9111



LRB-3024/P1

GMM:sac:f

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen act

1 AN ACT *to create* 66.0903 (5) (h) of the statutes; **relating to:** exempting from the
2 prevailing wage law public works projects erected, constructed, repaired,
3 remodeled, or demolished for a school district or for a cooperative educational
4 service agency.

Analysis by the Legislative Reference Bureau

Under current law, laborers, workers, mechanics, and truck drivers employed on the site of certain state or local projects of public works (generally single-trade projects whose estimated cost of completion is \$48,000 or more and multiple-trade projects whose estimated cost of completion is \$100,000 or more) must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert 2-4

SECTION 1. 66.0903 (5) (h) of the statutes is created to read:

66.0903 (5) (h) A project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency.

SECTION 2. Initial applicability.

(1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect to a project of public works that is subject to bidding, to a project for which the request for bids is issued on the effective date of this subsection and, with respect to a project of public works that is not subject to bidding, to a project the contract for which is entered into on the effective date of this subsection.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3024/P2ins
GMM.....

(INSERT 2-4)

1 , except that this paragraph does not preclude a school district or a cooperative
2 educational service agency from doing all of the following:

3 1. Prohibiting any employee working on such a project of public works who
4 would be entitled to receive the prevailing wage rate under this section and who
5 would not be required or permitted to work more than the prevailing hours of labor,
6 if the project of public works were subject to this section, from being paid less than
7 the prevailing wage rate or from being required or permitted to work more than the
8 prevailing hours of labor, except as permitted under sub. (4) (a).

9 2. Requiring any contractor, subcontractor, or agent thereof performing work
10 on such a project of public works to comply with this section in the same manner as
11 a contractor, subcontractor, or agent thereof performing work on a project of public
12 works that is subject to this section is required to comply with this section.

13 3. Otherwise complying with this section in the same manner as any other local
14 governmental unit contracting for the erection, construction, ^{repair} remodeling, ~~repairing~~,
15 or demolition of a project of public works is required to comply with this section.

16 **SECTION 1.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

17 67.05 (6a) (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs.
18 (7) and (15), if the board of any school district, or the electors at a regularly called
19 school district meeting, by a majority vote adopt an initial resolution to raise an
20 amount of money by a bond issue, the school district clerk shall, within 10 days,
21 publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as
22 provided under s. 10.05. The notice shall state the maximum amount proposed to
23 be borrowed, the purpose of the borrowing, that the resolution was adopted under

1 this subdivision and the place where and the hours during which the resolution may
2 be inspected. If the resolution is to raise money by bond issue for the erection,
3 construction, remodeling, ~~repairing~~ or demolition of a project of public works to
4 which the school board or electors intend to apply s. 66.0903, the notice shall indicate
5 that the maximum amount proposed to be borrowed is based, in part, on application
6 of s. 66.0903 to that project. The school board shall also do one of the following:

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

(END OF INSERT)

(INSERT A)

no ff (CESA), except that the bill does not preclude a school district or a CESA from
choosing to comply with the prevailing wage law in the same manner as any other
local governmental unit contracting for the erection, construction, remodeling,
~~repairing~~, or demolition of a project of public works is required to comply with that
law.

Under current law, if a school board or the electors of a school district adopts
a resolution to raise money by bond issue, the school district clerk must publish
notice of that adoption. The notice must state the maximum amount proposed to be
borrowed, the purpose of the borrowing, and when and where the resolution may be
inspected.

This bill requires notice of a resolution to raise money by bond issue for the
erection, construction, remodeling, ~~repairing~~, or demolition of a project of public
works to which a school board or the electors of a school district intend to apply the
prevailing wage law to indicate that the maximum amount proposed to be borrowed
is based, in part, on application of the prevailing wage law to that project.

(END OF INSERT)

Malaise, Gordon

From: Kelley, Margit
Sent: Wednesday, September 25, 2013 1:36 PM
To: Malaise, Gordon
Cc: Pratt, Phillip
Subject: LRB--3024/P2 re prevailing wage exemption for schools

Hi Gordon,

For Rep. Hutton, could you revise draft LRB—3024/P2 to include in the general procedures for a referendum question under s. 67.05 (3) (d), Stats., that if a referendum is being submitted under s. 67.05 (6a) (a) 2., Stats., and the amount proposed is based at least in part on applying the prevailing wage law, the referendum question must indicate that the maximum amount proposed to be borrowed is based, in part, on application of s. 66.0903 to that project?

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

Malaise, Gordon

From: Kelley, Margit
Sent: Thursday, September 26, 2013 9:23 AM
To: Malaise, Gordon
Cc: Pratt, Phillip
Subject: RE: LRB--3024/P2 re prevailing wage exemption for schools

Hi Gordon,

For Rep. Hutton, could you also include the language requiring a statement that a proposed amount to be borrowed is based, in part, on application of the prevailing wage law, in the published legal notice and referendum provisions when the project estimate is below \$1M? Looks like that would be in s. 24.66 (3) (c) 2., Stats.

Thank you!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Kelley, Margit
Sent: Wednesday, September 25, 2013 1:36 PM
To: Malaise, Gordon
Cc: Pratt, Phillip
Subject: LRB--3024/P2 re prevailing wage exemption for schools

Hi Gordon,

For Rep. Hutton, could you revise draft LRB--3024/P2 to include in the general procedures for a referendum question under s. 67.05 (3) (d), Stats., that if a referendum is being submitted under s. 67.05 (6a) (a) 2., Stats., and the amount proposed is based at least in part on applying the prevailing wage law, the referendum question must indicate that the maximum amount proposed to be borrowed is based, in part, on application of s. 66.0903 to that project?

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3024/P2

GMM:sac:jm

5 days

93

In 9/25
Wanted 9/27

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

#gjs

Gen Cat

Reynolds

- 1 AN ACT *to amend* 67.05 (6a) (a) 2. (intro.); and *to create* 66.0903 (5) (h) of the
2 statutes; **relating to:** exempting from the prevailing wage law public works
3 projects erected, constructed, repaired, remodeled, or demolished for a school
4 district or for a cooperative educational service agency.

Analysis by the Legislative Reference Bureau

Under current law, laborers, workers, mechanics, and truck drivers employed on the site of certain state or local projects of public works (generally single-trade projects whose estimated cost of completion is \$48,000 or more and multiple-trade projects whose estimated cost of completion is \$100,000 or more) must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency (CESA), except that the bill does not preclude a school district or a CESA from choosing to comply with the prevailing wage law in the same manner as any other local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of a project of public works is required to comply with that law.

Under current law, if ~~a school board or the electors~~ ^{the governing body} of a school district adopts a resolution to raise money by bond issue, the school district clerk must publish notice of that adoption. The notice must state the maximum amount proposed to be

or by borrowing money from the common school fund
under a certificate of indebtedness
certificate of indebtedness

and the referendum question on such a resolution,

the governing body of

borrowed, the purpose of the borrowing, and when and where the resolution may be inspected.

This bill requires notice of a resolution to raise money by bond issue for the erection, construction, repair, remodeling, or demolition of a project of public works to which ~~a school board or the electors of~~ a school district ~~intend~~ ^{intends} to apply the prevailing wage law to indicate that the maximum amount proposed to be borrowed is based, in part, on application of the prevailing wage law to that project.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0903 (5) (h) of the statutes is created to read:

66.0903 (5) (h) A project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency, except that this paragraph does not preclude a school district or a cooperative educational service agency from doing all of the following:

1. Prohibiting any employee working on such a project of public works who would be entitled to receive the prevailing wage rate under this section and who would not be required or permitted to work more than the prevailing hours of labor, if the project of public works were subject to this section, from being paid less than the prevailing wage rate or from being required or permitted to work more than the prevailing hours of labor, except as permitted under sub. (4) (a).

2. Requiring any contractor, subcontractor, or agent thereof performing work on such a project of public works to comply with this section in the same manner as a contractor, subcontractor, or agent thereof performing work on a project of public works that is subject to this section is required to comply with this section.

A referendum must then be held on the resolution unless a majority of the electors present and voting at a public hearing on the resolution determine that no referendum shall be held. If a referendum is held, the referendum question must contain a statement of the purpose for which bonds are to be issued and the maximum amount of the bonds to be issued.

1 3. Otherwise complying with this section in the same manner as any other local
2 governmental unit contracting for the erection, construction, repair, remodeling, or
3 demolition of a project of public works is required to comply with this section.
4

5 **SECTION 2.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

6 67.05 **(6a)** (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs.
7 (7) and (15), if the board of any school district, or the electors at a regularly called
8 school district meeting, by a majority vote adopt an initial resolution to raise an
9 amount of money by a bond issue, the school district clerk shall, within 10 days,
10 publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as
11 provided under s. 10.05. The notice shall state the maximum amount proposed to
12 be borrowed, the purpose of the borrowing, that the resolution was adopted under
13 this subdivision and the place where and the hours during which the resolution may
14 be inspected. If the resolution is to raise money by bond issue for the erection,
15 construction, repair, remodeling, or demolition of a project of public works to which
16 the school board or electors intend to apply s. 66.0903, the notice shall indicate that
17 the maximum amount proposed to be borrowed is based, in part, on application of s.
18 66.0903 to that project. The school board shall also do one of the following:

19 **SECTION 3. Initial applicability.**

20 (1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect
21 to a project of public works that is subject to bidding, to a project for which the request
22 for bids is issued on the effective date of this subsection and, with respect to a project
23 of public works that is not subject to bidding, to a project the contract for which is
24 entered into on the effective date of this subsection.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3024/P3ins
GMM.....

(INSERT 3-3)

shall, in addition,
indicate

SECTION 1. 67.05 (3) (d) of the statutes is amended to read:

67.05 (3) (d) The question shall contain a statement of the purpose for which bonds are to be issued and the maximum amount of the bonds to be issued. If the referendum is being held on a resolution under sub. (6a) (a) 2. (intro.) to raise money by bond issue for the erection, construction, repair, remodeling, or demolition of a project of public works to which a school board or the electors of a school district intend to apply s. 66.0903, the question shall contain a statement indicating that the maximum amount proposed to be borrowed is based, in part, on application of s. 66.0903 to that project.

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

(END OF INSERT)

See New Insert

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3024/P3ins
GMM.....

(INSERT 2-1)

14

1 **SECTION 1.** 24.66 (3) (c) 2. of the statutes is renumbered 24.66 (3) (c) 2. a. and
2 amended to read:

3 24.66 (3) (c) 2. a. Unless the purpose and amount of the borrowing have been
4 approved by the electors under s. 67.05 (6a) or considered approved by the electors
5 under s. 67.05 (7) (d) 3., the purpose is to refund any outstanding obligation, the
6 purpose is to pay unfunded prior service liability contributions under the Wisconsin
7 Retirement System if all of the proceeds of the note will be used for that purpose, or
8 the borrowing would not be subject to a referendum as a bond issue under s. 67.05
9 (7) (cc), (h), or (i), or s. 67.12 (12) (e) 2g., (f), or (h) applies, the school district clerk
10 shall, within 10 days after a governing body of a school district adopts a resolution
11 as described above to issue a certificate of indebtedness, publish notice of such
12 adoption as a class 1 notice, under ch. 985. Alternatively, the notice may be posted
13 as provided under s. 10.05. The notice need not set forth the full contents of the
14 resolution, but shall state the maximum amount proposed to be borrowed, the
15 purpose thereof, that the resolution was adopted under this subsection, and the place
16 where, and the hours during which, the resolution may be inspected. If the
17 resolution is to issue a certificate of indebtedness for the erection, construction,
18 repair, remodeling, or demolition of a project of public works to which the governing
19 body of the school district intends to apply s. 66.0903, the notice shall indicate that
20 the maximum amount of the proposed indebtedness is based, in part, on application
21 of s. 66.0903 to the project.

22 b. If, within 30 days after publication or posting, a petition conforming to the
23 requirements of s. 8.40 is filed with the school district clerk for a referendum on the

1 resolution signed by at least 7,500 electors of the district or at least 20 percent of the
2 number of district electors voting for governor at the last general election, as
3 determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not
4 be effective unless adopted by a majority of the district electors voting at the
5 referendum. The referendum shall be called in the manner provided under s. 67.05
6 (6a), except that the question which appears on the ballot shall be "Shall (name
7 of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation
8 promissory note (or notes) under section 24.66 (3) of the Wisconsin Statutes?". If the
9 referendum is being held on a resolution under subd. 1. to issue a certificate of
10 indebtedness for the erection, construction, repair, remodeling, or demolition of a
11 project of public works to which the governing body of the school district intends to
12 apply s. 66.0903, the question shall, in addition[^] contain a statement indicating that
13 the maximum amount of the proposed indebtedness is based, in part, on application
14 of s. 66.0903 to ^{the} ~~the~~ project. If a governing body of a school district adopts a resolution
15 to borrow a sum of money under this subsection and a sufficient petition for
16 referendum is not filed within the time permitted, then the power of the governing
17 body of a school district to borrow the sum and expend the sum for the purpose stated
18 shall be deemed approved by the school district electors upon the expiration of the
19 time for filing the petition.

History: 1979 c. 221, 355; 1981 c. 169; Stats. 1981 s. 24.66; 1983 a. 196, 423; 1985 a. 49, 218, 225; 1987 a. 76, 79; 1995 a. 27, 227, 417; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2001 a. 30 s. 108; 2007 a. 20; 2009 a. 2, 28; 2011 a. 71.

(END OF INSERT)

(INSERT 3-3)

20 **SECTION 2.** 67.05 (3) (d) of the statutes is amended to read:

21 67.05 (3) (d) The question shall contain a statement of the purpose for which
22 bonds are to be issued and the maximum amount of the bonds to be issued. If the

1 referendum is being held on a resolution under sub. (6a) (a) 2. (intro.) to raise money
2 by bond issue for the erection, construction, repair, remodeling, or demolition of a
3 project of public works to which a school board or the electors of a school district
4 intend to apply s. 66.0903, the statement shall, in addition, indicate that the
5 maximum amount proposed to be borrowed is based, in part, on application of s.
6 66.0903 to that project.

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

(END OF INSERT)

(INSERT A)

us 9

A referendum must then be held on the resolution, unless certain circumstances apply. If a referendum is held, the referendum question must indicate the purpose for which the bonds or certificate of indebtedness is to be issued and the maximum amount of the bonds or certificate of indebtedness to be issued.

(END OF INSERT)

Malaise, Gordon

From: Kelley, Margit
Sent: Tuesday, October 01, 2013 1:35 PM
To: Malaise, Gordon
Cc: Pratt, Phillip
Subject: prevailing wage rate exemption

Hi Gordon,

Could you assign a regular LRB number for LRB-3024/P3, and jacket it for Rep. Hutton?

Thank you!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3024/PS

GMM:sac&cjs:jf

(1)

RMR

IN 1011

Today -- Convert to 11 & Jacket stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

legen

1 AN ACT *to renumber and amend* 24.66 (3) (c) 2.; *to amend* 67.05 (3) (d) and
2 67.05 (6a) (a) 2. (intro.); and *to create* 66.0903 (5) (h) of the statutes; **relating**
3 **to:** exempting from the prevailing wage law public works projects erected,
4 constructed, repaired, remodeled, or demolished for a school district or for a
5 cooperative educational service agency.

Analysis by the Legislative Reference Bureau

Under current law, laborers, workers, mechanics, and truck drivers employed on the site of certain state or local projects of public works (generally single-trade projects whose estimated cost of completion is \$48,000 or more and multiple-trade projects whose estimated cost of completion is \$100,000 or more) must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development (prevailing wage law).

This bill exempts from the prevailing wage law a project of public works that is erected, constructed, repaired, remodeled, or demolished for a school district or for a cooperative educational service agency (CESA), except that the bill does not preclude a school district or a CESA from choosing to comply with the prevailing wage law in the same manner as any other local governmental unit contracting for the erection, construction, repair, remodeling, or demolition of a project of public works is required to comply with that law.

Under current law, if the governing body of a school district adopts a resolution to raise money by bond issue or by borrowing money from the common school fund

under a certificate of indebtedness, the school district clerk must publish notice of that adoption. The notice must state the maximum amount proposed to be borrowed, the purpose of the borrowing, and when and where the resolution may be inspected. A referendum must then be held on the resolution, unless certain circumstances apply. If a referendum is held, the referendum question must indicate the purpose for which the bonds or certificate of indebtedness is to be issued and the maximum amount of the bonds or certificate of indebtedness to be issued.

This bill requires notice of a resolution to raise money by bond issue or by borrowing money from the common school fund under a certificate of indebtedness for the erection, construction, repair, remodeling, or demolition of a project of public works to which the governing body of a school district intends to apply the prevailing wage law, and the referendum question on such a resolution, to indicate that the maximum amount proposed to be borrowed is based, in part, on application of the prevailing wage law to that project.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 24.66 (3) (c) 2. of the statutes is renumbered 24.66 (3) (c) 2. a. and
2 amended to read:

3 24.66 (3) (c) 2. a. Unless the purpose and amount of the borrowing have been
4 approved by the electors under s. 67.05 (6a) or considered approved by the electors
5 under s. 67.05 (7) (d) 3., the purpose is to refund any outstanding obligation, the
6 purpose is to pay unfunded prior service liability contributions under the Wisconsin
7 Retirement System if all of the proceeds of the note will be used for that purpose, or
8 the borrowing would not be subject to a referendum as a bond issue under s. 67.05
9 (7) (cc), (h), or (i), or s. 67.12 (12) (e) 2g., (f), or (h) applies, the school district clerk
10 shall, within 10 days after a governing body of a school district adopts a resolution
11 as described above to issue a certificate of indebtedness, publish notice of such
12 adoption as a class 1 notice, under ch. 985. Alternatively, the notice may be posted
13 as provided under s. 10.05. The notice need not set forth the full contents of the

1 resolution, but shall state the maximum amount proposed to be borrowed, the
2 purpose thereof, that the resolution was adopted under this subsection, and the place
3 where, and the hours during which, the resolution may be inspected. If the
4 resolution is to issue a certificate of indebtedness for the erection, construction,
5 repair, remodeling, or demolition of a project of public works to which the governing
6 body of the school district intends to apply s. 66.0903, the notice shall indicate that
7 the maximum amount of the proposed indebtedness is based, in part, on application
8 of s. 66.0903 to the project.

9 b. If, within 30 days after publication or posting, a petition conforming to the
10 requirements of s. 8.40 is filed with the school district clerk for a referendum on the
11 resolution signed by at least 7,500 electors of the district or at least 20 percent of the
12 number of district electors voting for governor at the last general election, as
13 determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not
14 be effective unless adopted by a majority of the district electors voting at the
15 referendum. The referendum shall be called in the manner provided under s. 67.05
16 (6a), except that the question which appears on the ballot shall be "Shall (name
17 of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation
18 promissory note (or notes) under section 24.66 (3) of the Wisconsin Statutes?". If the
19 referendum is being held on a resolution under subd. 1. to issue a certificate of
20 indebtedness for the erection, construction, repair, remodeling, or demolition of a
21 project of public works to which the governing body of the school district intends to
22 apply s. 66.0903, the question shall, in addition, contain a statement indicating that
23 the maximum amount of the proposed indebtedness is based, in part, on application
24 of s. 66.0903 to the project. If a governing body of a school district adopts a resolution
25 to borrow a sum of money under this subsection and a sufficient petition for

1 referendum is not filed within the time permitted, then the power of the governing
2 body of a school district to borrow the sum and expend the sum for the purpose stated
3 shall be deemed approved by the school district electors upon the expiration of the
4 time for filing the petition.

5 **SECTION 2.** 66.0903 (5) (h) of the statutes is created to read:

6 66.0903 (5) (h) A project of public works that is erected, constructed, repaired,
7 remodeled, or demolished for a school district or for a cooperative educational service
8 agency, except that this paragraph does not preclude a school district or a cooperative
9 educational service agency from doing all of the following:

10 1. Prohibiting any employee working on such a project of public works who
11 would be entitled to receive the prevailing wage rate under this section and who
12 would not be required or permitted to work more than the prevailing hours of labor,
13 if the project of public works were subject to this section, from being paid less than
14 the prevailing wage rate or from being required or permitted to work more than the
15 prevailing hours of labor, except as permitted under sub. (4) (a).

16 2. Requiring any contractor, subcontractor, or agent thereof performing work
17 on such a project of public works to comply with this section in the same manner as
18 a contractor, subcontractor, or agent thereof performing work on a project of public
19 works that is subject to this section is required to comply with this section.

20 3. Otherwise complying with this section in the same manner as any other local
21 governmental unit contracting for the erection, construction, repair, remodeling, or
22 demolition of a project of public works is required to comply with this section.

23 **SECTION 3.** 67.05 (3) (d) of the statutes is amended to read:

24 67.05 (3) (d) The question shall contain a statement of the purpose for which
25 bonds are to be issued and the maximum amount of the bonds to be issued. If the

1 referendum is being held on a resolution under sub. (6a) (a) 2. (intro.) to raise money
2 by bond issue for the erection, construction, repair, remodeling, or demolition of a
3 project of public works to which a school board or the electors of a school district
4 intend to apply s. 66.0903, the statement shall, in addition, indicate that the
5 maximum amount proposed to be borrowed is based, in part, on application of s.
6 66.0903 to that project.

7 **SECTION 4.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

8 67.05 **(6a)** (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs.
9 (7) and (15), if the board of any school district, or the electors at a regularly called
10 school district meeting, by a majority vote adopt an initial resolution to raise an
11 amount of money by a bond issue, the school district clerk shall, within 10 days,
12 publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as
13 provided under s. 10.05. The notice shall state the maximum amount proposed to
14 be borrowed, the purpose of the borrowing, that the resolution was adopted under
15 this subdivision and the place where and the hours during which the resolution may
16 be inspected. If the resolution is to raise money by bond issue for the erection,
17 construction, repair, remodeling, or demolition of a project of public works to which
18 the school board or electors intend to apply s. 66.0903, the notice shall indicate that
19 the maximum amount proposed to be borrowed is based, in part, on application of s.
20 66.0903 to that project. The school board shall also do one of the following:

21 **SECTION 5. Initial applicability.**

22 (1) EXEMPTION FROM PREVAILING WAGE LAW. This act first applies, with respect
23 to a project of public works that is subject to bidding, to a project for which the request
24 for bids is issued on the effective date of this subsection and, with respect to a project

SECTION 5

1 of public works that is not subject to bidding, to a project the contract for which is
2 entered into on the effective date of this subsection.

3 (END)